

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re VEECO INSTRUMENTS INC.	:	Case No.: 7:05-md-01695 (CM)(GAY)
SECURITIES LITIGATION	:	
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THIS DOCUMENT RELATES TO	:	
ALL ACTIONS	:	
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**NOTICE OF MOTION AND MOTION BY LEAD PLAINTIFF FOR  
AN AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF  
EXPENSES AND REIMBURSEMENT OF REASONABLE  
COSTS AND EXPENSES TO LEAD PLAINTIFF**

PLEASE TAKE NOTICE that, upon the papers to be filed with the Court, Lead Plaintiff, by its counsel Berger & Montague, P.C., pursuant to Rules 23(h) and 54(d)(2) of the Federal Rules of Civil Procedure, will move the Court, before the Honorable Colleen McMahon, United States District Judge, on November 7, 2007, for an entry of the proposed form of Final Approval Order and Judgment of Dismissal with Prejudice, Exhibit C to the Stipulation of Settlement, for an award of attorneys' fees in the amount of \$1,650,000, plus interest, representing 30% of the \$5,500,000 Settlement, and for reimbursement of expenses in the amount of \$774,329.29, both of which were incurred in connection with the prosecution and successful resolution of this lawsuit (the "Action") and for an award of \$16,089 for reimbursement of reasonable costs and expenses to Lead Plaintiff Steelworkers Pension Trust for representation of the Class.

PLEASE TAKE FURTHER NOTICE that, Lead Plaintiff will rely upon (a) the record herein; (b) the Stipulation previously filed with the Court and approved by the Court by Order dated August 23, 2007; (c) Lead Plaintiff's Memorandum of Law in Support of its Motion for Final Approval of Settlement and Plan of Allocation; (d) Lead Plaintiff's Memorandum of Law in Support of its Motion

for an Award of Attorneys' Fees and Expenses, and Reimbursement of Reasonable Costs and Expenses to Lead Plaintiff for Representation of the Class; (e) Affidavit of Carole A. Broderick in Support of Petition for Attorneys' Fees and Reimbursement of Expenses Filed on Behalf of Berger & Montague, P.C.; (f) Declaration of Richard S. Hoffmann, Esquire, General Counsel of Lead Plaintiff Steelworkers Pension Trust in Support of an Award to Steelworkers for Reimbursement of Reasonable Costs and Expenses Incurred in Representation of the Class and in Support of Final Approval of the Settlement and of Lead Counsel's Application for Attorneys' Fees; (g) the Declaration of Carole A. Broderick, Esq. in Support of Final Approval of the Settlement, Lead Counsel's Request for Attorneys' Fees and Reimbursement of Expenses, and Award to Lead Plaintiff for Costs and Expenses; and (h) the Affidavit of Edward J. Sincavage, C.P.A., of Heffler Radetich & Saitta L.L.P., the Claims Administrator, Regarding Dissemination of Notice to the Class.

WHEREFORE, Lead Plaintiff respectfully requests that the Court grant the Motion for an Award of Attorneys' Fees and Reimbursement of Expenses and Reimbursement of Reasonable Costs and Expenses to Lead Plaintiff and enter the proposed Final Approval Order and Judgment of Dismissal with Prejudice.

Dated: October 26, 2007

**BERGER & MONTAGUE, P.C.**

By: 

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***Lead Counsel for Lead Plaintiff Steelworkers  
Pension Trust and the Class***